

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Marcus Grissett,) C/A No. 9:17-cv-02872-DCC
)
 Plaintiff,)
)
 vs.)
)
 J. Reuben Long Detention Center,)
)
 Defendant.)
)

ORDER

This matter is before the Court on Plaintiff's Complaint alleging violations of civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation ("Report"). On December 27, 2017, mail sent to Plaintiff was returned as undeliverable. ECF No. 8. The envelope was marked "inmate not in jail." *Id.* On November 28, 2017, the Magistrate Judge issued a Report recommending that the Complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure noting that neither this Court nor the Defendant have any way to contact Plaintiff. ECF No. 9. The Magistrate Judge directed the Clerk of Court to vacate the Report and return this case to the Magistrate for further handling if Plaintiff provided an updated address in the time allowed for filing objections to the Report. The time for objections has lapsed and Plaintiff has not provided any additional information to the Court.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.

See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation that the Complaint be dismissed. Accordingly, the Court adopts the Report by reference in this Order. The Complaint is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

January 22, 2017
Spartanburg, South Carolina